

Message from the Governor

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 3, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE STATE BOARD OF DENTAL EXAMINERS for six year term expiring May 24, 1955 (reappointments):

Dr. H. Arthur Zappe of Mineral Wells, Palo Pinto County;

Dr. W. C. McNeil of Silsbee, Hardin County.

Respectfully submitted,

BEAUFORD H. JESTER,
Governor of Texas.

Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolutions:

S. C. R. No. 46, In memory of Dr. Williard H. Dow.

S. C. R. No. 47, Congratulating the City of Fort Worth on its Centennial.

Senate Resolution 148

Senator Vick offered the following resolution:

Whereas, The students of the Civics Classes of the Waco High School are in the City of Austin and are now present in the Gallery of the Senate; and

Whereas, Said students of the Civics Classes of Waco High School are accompanied by their teachers, Miss Waurine Walker, Mrs. E. H. Vaden, and Mr. Robert Bumgardner; and

Whereas, The Senate of the State of Texas desires to recognize and to acknowledge with pleasure their visit to Austin; now, therefore, be it

Resolved, By the Senate of Texas, that the students of the Civics Classes of the Waco High School and their teachers, Miss Waurine Walker, Mrs. E. H. Vaden, and Mr. Robert Bumgardner, be officially welcomed to the State Capitol.

The resolution was read and was adopted.

Recess

Senator Kelly of Tarrant moved that the Senate recess until 10:30 o'clock a.m. tomorrow.

Senator Vick moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion of Senator Kelly of Tarrant, it prevailed.

The Senate accordingly at 12:25 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FORTY-NINTH DAY
(Continued)

(Wednesday, May 4, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President pro tempore.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 4, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

In compliance with the request of the Senate, contained in a message from the Senate on date of May 3, 1949, I am returning herewith Senate Bill 266.

H. C. R. No. 77, Authorizing Forest Lawn Lot Owners Association to sue the State of Texas and the Texas State Highway Department.

H. C. R. No. 83, Granting permission to William I. Bothe to sue the State of Texas and/or the Industrial Accident Board of the State of Texas.

H. C. R. No. 92, Authorizing the Enrolling Clerk of the House to make corrections in the body of House Bill No. 120.

The House has concurred in Senate amendments to House Bill No. 417 by vote of 133 ayes, 0 noes.

H. J. R. No. 21, Proposing an amendment to Section 26a of Article III of the Constitution of Texas; providing that no county shall be entitled to more than six (6) representatives.

H. B. No. 737, A bill to be entitled "An Act amending Section 3, Article 6008a, Title 102, Vernon's Civil Statutes of the State of Texas, Annotated, Revision of 1925, being Senate Bill No. 407, Acts of the 45th Legislature of the year 1937, as amended by Senate Bill No. 227, Chapter 351, Acts of the 50th Legislature, by amending Subdivision (g) thereof, providing that sweet gas produced from any gas well in this State may be utilized without the prior extraction of its gasoline content for the manufacture of carbon black where it is utilized in a plant producing an average of not less than one and one-half (1½) pounds of carbon black for each one thousand (1,000) cubic feet of such gas; providing a savings clause; repeal of conflicting laws, but providing that it is the intention of the Act to be cumulative of existing laws covering the purposes for which gas may be used and that the use authorized is in addition to those now provided in existing statutes; and declaring an emergency."

S. B. No. 117, A bill to be entitled "An Act amending Article XX, Section 4 of House Bill 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended, by changing subsection (4-a), added by H. B. 301, Acts of the 50th Legislature, Regular Session, 1947; providing for the transfer of certain funds to the Foundation School Fund created herein; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

(With amendments.)

May 4, 1949, the House has adopted the Conference Committee Report on Senate Bill No. 104 by a vote of 133 ayes, 0 noes.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Concurrent Resolution 36
With House Amendments

Senator Kelley of Hidalgo called

S. C. R. No. 36 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Senate Bill 466 on First Reading

Senator Jones moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hudson	Tynan
Jones	Vick

Nays—1

Strauss

Absent

Hazlewood	Taylor
Shofner	Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Jones, Moore, Kelly of Tarrant, Martin, Vick, Moffett, Phillips, Proffer, Tynan, Morris, Bracewell, Harris, Kelley of Hidalgo, Cousins, Ashley and McDonald:

S. B. No. 466, A bill to be entitled "An Act authorizing and directing the Comptroller of Public Accounts to pay into the Officers Salary Fund of

Bexar, Brazos, Collin, Cooke, Dallas, Denton, Eastland, Ellis, Falls, Fannin, Freestone, Galveston, Grayson, Gregg, Harris, Harrison, Hidalgo, Hill, Jefferson, Kaufman, Lamar, Limestone, McLennan, Milam, Montague, Navarro, Parker, Red River, Robertson, Rusk, Tarrant, Van Zandt, Williamson, Wichita, and Young Counties an amount equal to the difference between the sum the State was required to pay into the Officers Salary Fund of such counties by Sections 13(b) and 15(a) of Senate Bill No. 5, Acts of the 44th Legislature, 2nd Called Session 1935, Chapter 465, page 1762 (Sections 13(b) and 15(a) of Article 3912e, Vernon's Civil Statutes) and the amount actually paid into the Officers Salary Fund of said counties by the State for the period of time beginning January 1, 1936, and ending August 31, 1948; making an appropriation of \$1,073,402.94 for the payment of said sums to such counties; waiving any question of limitations; and declaring an emergency."

To the Committee on Finance.

Senate Resolution 149

Senator Strauss offered the following resolution:

Whereas, The Senior Class of Komensky Rural High School of Lavaca County is on an educational tour of the City of Austin, and

Whereas, This group along with their principal, Mr. Henry Kalich, and their class sponsor, Miss Agnes Honc, are present in the Senate Gallery today, now, therefore, be it

Resolved, By the Senate of Texas, that we bid them a hearty welcome and that copies of this Resolution be forwarded to each member of this group.

The resolution was read and was adopted.

Senate Bill 467 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 467, A bill to be entitled "An Act prohibiting the transportation of minnows of any and all species out of Montgomery County wherein such minnows are caught, seined, or taken; providing that the possession of more

than five hundred (500) minnows by any person, firm, or corporation at one time shall constitute prima facie evidence of the violation of this Act; providing that nothing in this Act shall prohibit the transportation for personal use of one hundred and fifty (150) minnows or less from Montgomery county to another county and providing that nothing shall prohibit transportation of minnows from Montgomery county to another county when said minnows have been raised in a minnow hatchery in this State; defining a minnow hatchery; providing a penalty; and declaring an emergency."

To the Committee on Game and Fish.

Report of Conference Committee on Senate Bill 104

Senator Proffer submitted the following report:

Hon. Allan Shivers, Lt. Governor, Senate.

Hon. Durwood Manford, Speaker of the House of Representatives.

We, your Conference Committee appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 104, have had same under consideration and beg to report the bill back to the Senate and the House of Representatives with the recommendation that it do pass in the form attached hereto.

Members on the part of the Senate:

PROFFER
LOCK
MARTIN
KELLY of Tarrant
AIKIN

Members on the part of the House of Representatives:

WILLIS of Tarrant
FLANAGAN
CAVEN

By Senator Proffer:

S. B. No. 104, A bill to be entitled "An Act validating certain consolidations of Rural High School Districts, Common School Districts, and Independent School Districts; declaring such consolidated districts to be subject to the General Laws relating to Independent School Districts; making provision for the appointment of a board of trustees in the manner authorized by the consolidation elections;

enacting other provisions relating to the subject; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. In each instance where elections have been held separately in a rural high school district, one or more independent school districts and one or more common school districts situated in more than one county for the consolidation of such districts, and the majority vote in each such district was in favor of the consolidation of the districts, and where the proposition submitted at such elections contained a provision that the district would thereafter be governed by the general laws applicable to independent school districts, the calling and holding of said elections, and all elections thereafter held in which the majority vote in each district was in favor of a consolidation of such consolidated district and other districts, and the orders passed by the Commissioners' Court of each County in which each district or the principal school thereof is located declaring the results of the election, consolidating the districts, and designating names for such consolidated districts, are hereby validated and ratified. Any district formed by such consolidation or consolidations is hereby declared to constitute an independent school district subject to the general laws relating to independent school districts notwithstanding the fact that any one of the districts involved in a consolidation was included in an election to authorize its annexation to another district under laws relating to rural high school districts where the district voting for the consolidation was not afforded an opportunity to vote separately in the annexation election and where the consolidation election or elections were held not more than sixty days after the annexation.

Sec. 2. If the proposition submitted to the voters at any of such consolidation elections provided that the first board of trustees of the consolidated district should be appointed by a Commissioners' Court, the Commissioners' Court shall appoint such board in accordance with such proposition, and the board so appointed shall serve until the next regular election, at which time seven trustees shall be elected and serve the terms as provided in Article 2745, Revised Civil Statutes, as amended.

Sec. 3. This Act shall not apply to any District which on the effective date of this Act is involved in litigation brought by qualified voters or taxpayers residing therein which questions the creation, annexation or consolidation of such a District, or the election for the purpose of creating, annexing or consolidating such a District.

Sec. 4. The fact that this legislation is immediately needed in order to carry out the vote of the people in districts to which this Act is applicable, and set at rest any question which might be raised with respect thereto, and to enable such consolidated districts to proceed with plans for the next school year, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House to be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick

Absent

Bracewell	Shofner
Lane	Weinert
Moffett	

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
May 4, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water

Rights, Irrigation and Drainage, to whom was referred H. B. No. 162, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass with amendment and be mimeographed.

KELLEY of Hidalgo, Chairman.

Senator Carney submitted the following report:

Austin, Texas,
May 4, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 467, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

House Bill 130 on Passage to Third Reading

The President laid before the Senate as the unfinished special order for this time on its passage to third reading:

H. B. No. 130, A bill to be entitled "An Act to amend Section 4 of Chapter 1, Title: Attorneys, House Bill 74, page 64, Acts Regular Session, Forty-sixth Legislature, (1939) known as the State Bar Act, etc., and declaring an emergency."

The bill having been read second time on Thursday, April 14, 1949, with an amendment by Senator Kelly of Tarrant pending.

Question—Shall the amendment be adopted?

Senator Kelly of Tarrant withdrew the amendment.

Question—Shall the bill be passed to third reading?

Recess

On motion of Senator Harris, the Senate at 11:05 o'clock a.m., took recess until 10:00 o'clock a.m. tomorrow.

Record of Vote

Senator Jones asked to be recorded as voting "nay" on the motion to recess.

FORTY-NINTH DAY

(Continued)

(Thursday, May 5, 1949)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Leaves of Absence Granted

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Vick.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 5, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

H. C. R. No. 85, Granting Harry Newton permission to bring suit against the State of Texas and the State Highway Department.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill and Resolutions on First Reading

The following House Bill and Resolutions, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. C. R. No. 77, to Committee on Civil Jurisprudence.

H. C. R. No. 83, to Committee on Civil Jurisprudence.

H. B. No. 737, to Committee on Oil, Gas and Conservation.

H. J. R. No. 21, to Committee on Constitutional Amendments.

H. C. R. No. 85, to Committee on Civil Jurisprudence.